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RUEHKP/AMCONSUL KARACHI PRIORITY 0225
RUEHLH/AMCONSUL LAHORE PRIORITY 5965
RUEHPW/AMCONSUL PESHAWAR PRIORITY 4768
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C O N F I D E N T I A L ISLAMABAD 002851

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E.O. 12958: DECL: 08/27/2018
TAGS: [PGOV](#) [PREL](#) [KJUS](#) [PHUM](#) [PK](#)
SUBJECT: PPP RESTORING JUDGES FROM THE BOTTOM UP

REF: A. ISLAMABAD 2532
[1](#)B. ISLAMABAD 2642

Classified By: CDA Jerry Feierstein, for reasons 1.4 (b), (d)

[1](#)1. (C) Summary: The Pakistan People's Party (PPP) has begun to restore the judges deposed by then President Musharraf last November, beginning with the Sindh High Court. Eight of 15 deposed Sindh justices re-took the oath of office on August 27. Restoration of the Lahore High Court judges could follow in the next few days/weeks. This PPP move will further split an increasingly fractured lawyers' movement but demonstrates that PPP leader and presidential hopeful Asif Zardari is fulfilling some of his long-delayed promises to restore the judiciary. End summary.

Sindh Judges Restored

[1](#)2. (U) Eight of 15 deposed judges of the Sindh High Court returned to their seats on August 27 after a swearing in ceremony at the Sindh Governor's house, according to CG Karachi. The move to restore the sacked Sindh judges may precipitate the restoration of Lahore High Court judges as well, according to media reports which cited Law Ministry sources.

Back-Room Maneuvers

[1](#)3. (C) The PPP has been searching for a way to restore the judiciary without restoring former Chief Justice Iftikhar Chaudhry, who is presumed to be ready to invalidate the immunity deal Musharraf made to protect Benazir Bhutto, Asif Zardari and other politicians. Law Minister Farouk Naek has been working for months to begin this process starting with the provincial courts. In early August, he sent to then President Musharraf a proposal to reinstate these eight Sindh justices; Musharraf signed the order and made it public at a critical juncture in negotiations between the Pakistan Muslim League-Nawaz (PML-N) chief Nawaz Sharif and the PPP.

[1](#)4. (C) Nawaz has been adamant that all the deposed judiciary be reinstated and considered this PPP action a betrayal, so he walked out of a then "make-or-break" meeting with the PPP and forced a delay in the restoration. When Nawaz broke with the coalition on August 25, he cited, among other reasons, Zardari's duplicity in reneging on promises to restore all the deposed judiciary. Two days after the Pakistan Muslim League-Nawaz (PML-N) pulled out of the ruling coalition, Naek went forward with his original plan.

¶5. (U) The media reported the government will reinstate the judges at the same seniority level they held when Musharraf sacked them. Thus, Anwer Zaheer Jamali will be the new Chief Justice of the Sindh High Court. However, some judges reportedly want to ensure the government will restore the entire judiciary. Specifically, Sindh Justice Sarmed Jalal Usmani stated to the press he would not "accept any offer if it excludes any judge sacked by the former President Pervez Musharraf on November 3 last year."

¶6. (C) Comment: This PPP action will further exacerbate splits within the Pakistani lawyers' movement, which is increasingly divided over objections to Aitzaz Ahsan's brinkmanship leadership style. Ahsan's latest threat is to hold pro-judiciary demonstrations and block traffic in major cities on August 28. Most importantly, the move to restore Sindh judges will quickly demonstrate that Asif Zardari is making good on some of his promises to restore the judiciary ahead of the September 6 presidential election.

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